

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1971-01
Bill No.: Perfected HB 700
Subject: Department of Corrections; Crimes and Punishment; Law Enforcement Officers and Agencies
Type: Original
Date: April 6, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Inmate Revolving*	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds*	\$0	\$0	\$0

* Offsetting revenues and costs of up to \$7,008,480 per fiscal year.

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Mental Health, Department of Social Services,** and the **Department of Public Safety – Missouri State Highway Patrol** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would create the crime of aggravated harassment of an employee. House Amendment 1 allows the parole board to require a payment, “not to exceed \$60 per month,” from every offender placed on probation, parole, or conditional release. Fees are to be used for various offender services.

CTS assumes the parole board would be responsible for the collection and disbursement of the fees. Therefore, there would be no cost to the judiciary. If it should become the responsibility of the judiciary, the work involved in collecting and disbursing this fee would be extensive. CTS would assume the cost would easily exceed \$100,000 per year.

ASSUMPTION (continued)

Officials from the **Office of the State Public Defender (SPD)** did not respond to Oversight's request for fiscal impact. However, in response to a previous version of the proposal (HB 700, LR # 1971-01), officials assumed existing staff could provide representation for those few cases arising where indigent persons were charged as a result of the creation of the crime of endangering a corrections employee, a visitor to a correctional facility, or another offender or prisoner and the revision of the crime of aggravated harassment of an employee. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the SPD to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Officials from the **Office of Prosecution Services** assume the proposal would not have a significant direct fiscal impact on county prosecutors.

Officials from the **Department of Corrections (DOC)** assume this bill creates the crime of endangering a corrections employee, a corrections' facility visitor, or another offender or prisoner, as defined, and revises the crime of aggravated harassment of an employee. Penalty provisions range from a class A misdemeanor through class C felony, dependent on circumstances.

DOC assumes this bill, with its tougher penalties, will act as a deterrent for offenders who have chosen to throw body fluids on DOC employees in the past. The State of New York's Department of Corrections saw cases for exposure fall from 130 per year to 14.7 after implementing similar legislation. Most of this type of behavior occurs in administrative segregation (a.k.a. Ad-Seg or lock-down) and involves long-term offenders. Any additional time they could be charged with under the auspice of this new proposal is beyond the scope of this fiscal note. However, it is believed that the occasional "thrower" who has a chance of parole and is aware that additional charges would hinder such will choose not to offend further in most cases. In summary, DOC assumes this section of the proposed legislation would have no fiscal impact.

DOC assumes the house amendment give the Board of Probation and Parole (P&P) discretion to charge inmates placed under supervision on probation, parole, or conditional release a fee of up to sixty dollars.

This amendment gives the P&P Board the authority to impose a monthly supervision fee on offenders supervised in the community under probation or parole. P&P had 65,565 offenders under community supervision on January 31, 2005.

ASSUMPTION (continued)

The DOC assumes it can successfully collect a \$30 monthly fee from 60% of those offenders on regular supervision (27,537) resulting in \$2,973,996 collections in the last 6 months of FY06. Additionally the DOC believes it can successfully collect a \$20 monthly fee from 60% of those offenders on minimum supervision (19,532) and the amount generated would be \$2,343,840 in the last 6 months of FY06. DOC estimates the private collection contract will cost approximately 20% resulting in a net of \$3,504,240 in FY06.

DOC projects it will take approximately 4 months to implement this process therefore only 6 months of collections are calculated for the first year of this fiscal note. Calculations for a full year beginning in FY07 are estimated to be \$7,008,480 following the same assumptions. Collections would be deposited in the DOC's Inmate Revolving Fund (IRF) to be used for residential facilities, substance abuse treatment and other community-based treatment for the offenders.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
INMATE REVOLVING FUND			
<u>Revenues</u> – Department of Corrections			
Collection of monthly fees	Up to \$3,504,240	Up to \$7,008,480	Up to \$7,008,480
<u>Costs</u> – Department of Corrections			
Community-based treatment	(Up to <u>\$3,504,240</u>)	(Up to <u>\$7,008,480</u>)	(Up to <u>\$7,008,480</u>)
ESTIMATED NET EFFECT ON INMATE REVOLVING FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

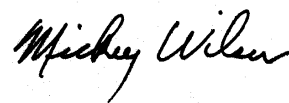
The proposed legislation would make it a class C felony for any person held in a correctional setting within this state who is knowingly infected with HIV, hepatitis B, or hepatitis C to intentionally cause another person to come into contact with any of their bodily fluids.

The proposal would also authorize the Board of Probation and Parole to charge offenders placed under the supervision of the board a fee of up to \$60 a month. All fees would be deposited into the Inmate Fund within the state treasury and could be used for community corrections and intervention services for offenders. The board would adopt rules sanctioning offenders for nonpayment and establishing, waiving, collecting, and using the fees.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Mental Health
Department of Corrections
Department of Social Services
Department of Public Safety
 – Missouri State Highway Patrol
Office of Prosecution Services
Office of the State Public Defender



Mickey Wilson, CPA

L.R. No. 1971-01
Bill No. Perfected HB 700
Page 6 of 6
April 6, 2005

Director
April 6, 2005

BLG:LR:OD (12/02)